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Attorney Docket No. 9435-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kafri et al.

Confirmation No.: 5850

Serial No.: 10/721,563

Filed: November 25, 2003

For: *Single LTR Lentivirus Vector*

Date: March 18, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of November 25, 2003 rather than November 26, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of November 25, 2003, being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS on November 25, 2003; and
3. A true and accurate copy of our return post card sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 26, 2003 instead of the Express Mail date of November 25, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of November 25, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Kafri et al.
Serial No.: 10/721,563
Filed: November 25, 2003
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

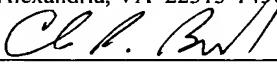


Garrett K. Abramson
Attorney For Applicant
Registration No. 47,376

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2004.



Clara R. Beard



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MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JKA/crb

Date: Nov 25, 2003

Doc. No. 9435-2

Serial No. To Be Assigned

Inventor: Kafri et al.

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

- Application Transmittal and:
 Specification pages 29
 No. of Claims 29
 Declaration & POA
 Assignment and Fee
 Small Entity Statement
 Formal Drawings/ 12 sheets
 Associate Power of Attorney
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- Check \$ 466 =
 IDS & PTO-1449 & _____ refs.
 Amendment & Amend. Transmittal
 Preliminary Amendment
 Issue Fee
 Brief
 Appeal
 Submittal of Priority Doc.

Other: _____

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JKA/crb

Date: Nov 25, 2003

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by placing your receiving stamp hereon and return mailing:

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 Specification pages 29
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 Small Entity Statement
 Formal Drawings/ 12 sheets
 Associate Power of Attorney
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- Check \$ 466 =
 IDS & PTO-1449 & _____ refs.
 Amendment & Amend. Transmittal
 Preliminary Amendment
 Issue Fee
 Brief
 Appeal
 Submittal of Priority Doc.

Other: _____

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9435-2

DATE: November 25, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- a patent application
 a Continuation a Divisional a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
 and claims the benefit of Provisional Application No. 60/429,635 filed November 27, 2002.

Inventor(s) or Application Identifier:

Tal Kafri
Hong Ma

Entitled:

A SINGLE LTR LENTIVIRUS VECTOR

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. 29 pages of Specification (including 29 claims)
3. 12 sheets of Formal Drawings (35 USC 113)
4. Oath or Declaration
 - a. newly executed (*original or copy*)
 - b. copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional*) [Note Box 6 Below]
 - c. DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. Application Data Sheet. See 37 CFR 1.76
6. Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

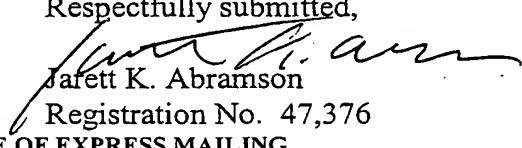
7. Microfiche Computer Program (*Appendix*)
 8. Assignment papers (*cover sheet(s) and document(s)*)
 9. Applicant claims small entity status. See 37 CFR § 1.27.
 10. Information Disclosure Statement, PTO-1449, and _____ references cited
 11. Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
 12. English Translation Document
 13. Certified Copy of Application No. _____ ; Filed
 14. Sequence Listing/ Sequence Listing Diskette
 - a. computer readable copy
 - b. paper copy
 - c. statement in support
 15. An Associate Power of Attorney
 16. Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
 17. Deletion of Inventor(s). (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).)
 18. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
 19. Other:

The fee has been calculated as shown below:

| | Column 1 No. Filed | Column 2 No. Extra | Small Entity Rate | Large Entity Rate |
|---|-----------------------|-----------------------|----------------------|----------------------|
| BASIC FEE | | | \$385.00 | \$ 770.00 |
| TOTAL CLAIMS | 29 - 20 = | 9 | x 09 = \$81.00 | x 18 = \$ |
| INDEP CLAIMS | 3 - 3 = | 0 | x 43 = \$ | x 86 = \$ |
| <input type="checkbox"/> MULTIPLE Dependent Claims Presented | | | + 145 = \$ | + 290 = \$ |
| <i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i> | | | Total \$466.00 | Total \$ |

- A check in the amount of \$466.00 to cover the filing fee is enclosed.
 A check in the amount of \$_____ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
 Please charge my Deposit Account No. 50-0220 in the amount of \$
 The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 a. Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 b. Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,


Jarrett K. Abramson

Registration No. 47,376

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318418626 US

Date of Deposit: November 25, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Clara R. Beard